

REMARKS

Claims 35-43 are pending in the present application. Claims 35 and 40 are independent Claims.

In an Office Action mailed on September 22, 2006, the United States Patent and Trademark Office rejected all of the pending claims of the present application. Claims 35-36 and 38-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mosher, Jr. *et al.* (U.S. Application No. 2003/0173408) (hereinafter "Mosher"). Claims 36 and 40-43 are rejected under 35 U.S.C. § 103(a) as being obvious over Mosher in view of Peterson (U.S. Patent No. 5,448,846). Finally, Claims 35-43 were rejected on the grounds of nonstatutory double patenting over U.S. Patent No. 7,042,357 and provisionally rejected over U.S. Application Nos. 11/070,072, 11/070,125, and 11/397,410. The Applicants are amending independent Claims 35 and 40 and believe the Claims are distinguished from the cited references. The Applicants are also filing terminal disclaimers along with this Amendment with respect to the above cited U.S. Patent and U.S. Applications. Accordingly, the Applicants respectfully request that Claims 35 through 43 be allowed.

Brief Description of the Cited References

Mosher relates to an RFID wristband with a security wire coupled to the RFID circuit and covering portions of the band such that a cut to the portion of the band will sever the security wire and disable the RFID circuit.

Peterson discloses wristbands with various locking devices, such as a barbed peg.

Rejection of Claims 35-36 and 38-39 under 35 U.S.C. § 102(e) as being anticipated by Mosher

Claims 35-36 and 38-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mosher. Claim 35 is being amended to include "at least one electrically conductive trace disposed in the band, wherein the combination of said trace and said antenna surround at least a portion of the fastening such that a cut cannot be made from a first adjustment point of the plurality of adjustment points to a second adjustment point of the plurality of adjustment points without severing at least one of said antenna and said trace." Figure 1 of the present application

illustrates one possible embodiment of the present invention. Figure 1 shows a wristband 10 with four adjustment holes 24. A security wire 34 follows the periphery of the band, except at positions proximate to the adjustment holes 24. At each of the adjustment holes, the security wire turns perpendicular from the edge of the band to loop around the adjustment holes 24, returning to the periphery of the band after each loop. With a security wire laid out according to the present invention, a cut cannot be made from one adjustment hole to a second adjustment hole without severing the security wire.

By contrast, Mosher does not disclose the protection of adjustment holes using a security wire. Figure 3 of Mosher illustrates the limited teaching of Mosher, showing a security wire 99 following the periphery of a wristband 90 but not looping around the adjustment holes 95. A cut can be made in the Mosher wristband from a first adjustment hole 95 to a second adjustment hole 95 without severing the security wire 99. A wristband in accordance with Mosher could be slipped off of a wrist by cutting between adjustment holes 95, allowing a wearer to then slide the locking peg 93, 94 to increase the circumference of the wristband. The wristband could then be provided to a second, unauthorized user and the RFID circuit would continue to function. Under the present invention, the RFID circuit would cease to function once a cut was made between the adjustment points.

Mosher does not include “at least one electrically conductive trace disposed in the band, wherein the combination of said trace and said antenna surround at least a portion of the fastening such that a cut cannot be made from a first adjustment point of the plurality of adjustment points to a second adjustment point of the plurality of adjustment points without severing at least one of said antenna and said trace.” Therefore, Claims 35-36 and 38-39 are not anticipated by Mosher. The Applicants respectfully request that the 102(e) rejection to Claims 35-36 and 38-39 be withdrawn.

Rejection of Claims 36 and 40-43 under 35 U.S.C. § 103(a) as obvious over Mosher in view of Peterson

Claims 36 and 40-43 are rejected under 35 U.S.C. § 103(a) as being obvious over Mosher in view of Peterson. Claim 36 depends to Claim 35 and includes the distinctive feature from Claim 35 described above. Claim 40 is being amended to include “at least one additional

electrically conductive trace wherein the combination of said electrically conductive trace and said antenna surround at least one of said adjustment holes such that a cut cannot be made from a first adjustment hole disposed along the portion of the band to a second adjustment hole disposed along the portion of the band without severing at least one of said antenna and said at least one additional electrically conductive trace.” The claim language is similar to that of Claim 35 and, for the reasons above, is not found in Mosher. Peterson merely teaches the use of a locking feature, such as a barbed peg, to secure a band in a loop, so Peterson also does not disclose “at least one additional electrically conductive trace wherein the combination of said electrically conductive trace and said antenna surround at least one of said adjustment holes such that a cut cannot be made from a first adjustment hole disposed along the portion of the band to a second adjustment hole disposed along the portion of the band without severing at least one of said antenna and said at least one additional electrically conductive trace.” Therefore, the combination of Mosher and Peterson does not teach, suggest, or motivate the present invention and Claims 38 and 40-43 are not obvious.

The present invention is also not an obvious variation of Mosher that would be obvious to one of ordinary skill in the art. As discussed above, the present invention solves the unresolved problem in Mosher of tampering with a band by cutting between adjustment points in the band to enlarge the band. The application of the present invention results in a much more secure band, so it is not an obvious variation of Mosher. For the above reasons, the Applicants respectfully request that the 103(a) rejection to Claims 36 and 40-43 be withdrawn.

Non-statutory obviousness-type double patenting rejection

Claims 35-43 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-13 of U.S. Patent No. 7,042,357 in view of Mosher. The Claims are also provisionally rejected three times on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Mosher in view of U.S. Application Nos. 11/070,072 (Claims 1-40), 11/070,125 (Claims 1-19), and 11/397,410 (Claims 1-37) respectively.

The Applicants are filing terminal disclaimers with respect to each of U.S. Patent No. 7,042,357 and U.S. Application Nos. 11/070,072, 11/070,125, and 11/397,410. Therefore, the

Applicants respectfully request that the Examiner withdraw the rejection to the Claims on the ground of nonstatutory obviousness-type double patenting.

Information Disclosure Statement

An Information Disclosure Statement (IDS) was filed on October 5, 2006. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

David J. Thibodeau, Jr.

Registration No. 31,671

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 1/22/07